

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

JERRY ELLIOTT,

Plaintiff,

v.

TURNER INDUSTRIES GROUP, LLC,

Defendant.

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Case No. 2:20-cv-00367-RWS-RSP

STAY ORDER

Before the Court is the Joint Motion to Stay Proceedings and to Proceed with Arbitration (“Motion”), filed by Jerry Elliott (“Plaintiff”) and Turner Industries Group, L.L.C. (“Defendant”) (collectively, the “Parties”). Dkt. No. 9. The Parties move the Court to stay these proceedings and refer this matter to arbitration. *Id.* at 2. 9 U.S.C. § 3 provides:

If any suit or proceeding be brought in any of the courts of the United States upon any issue referable to arbitration under an agreement in writing for such arbitration, the court in which such suit is pending, upon being satisfied that the issue involved in such suit or proceeding is referable to arbitration under such an agreement, shall on application of one of the parties stay the trial of the action until such arbitration has been had in accordance with the terms of the agreement, providing the applicant for the stay is not in default in proceeding with such arbitration.

The Parties agree “[t]he arbitration requirement of the DRA survives the termination of Plaintiff’s employment with Defendant.” Dkt. No. 9 at 2. The Parties agree “[t]he claims made by Plaintiff in his Complaint fall within the scope of claims Plaintiff and Defendant agreed to submit to binding arbitration.” *Id.* After consideration, the Court finds that this matter is referable for arbitration under the agreement. *See generally* Dkt. No. 9-1. Therefore, the above-captioned case is **STAYED**.

It is **ORDERED** that the above-captioned matter is referred to arbitration and Plaintiff is directed to initiate arbitration without unnecessary delay.

The Parties are **ORDERED** to file a Joint Status Report within 14 days of the resolution of arbitration. If the arbitration is not completed beforehand, the Parties are directed to file a report on the status of the arbitration proceedings every six months.

SIGNED this 21st day of May, 2021.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE